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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
AMB1088US

In re Application of: Gary J. Latham et al.

Application No.: 10/788,875

Filed: February 25, 2004

For: IMPROVED NUCLEASE INHIBITOR COCKTAIL

The owner, AMBION, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number: 10/875,860, filed on September 30, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record. Reg. No. 37,259



Signature

February 16, 2006

Date

Mark B. Wilson

Typed or printed name

(312) 536-3035

Telephone Number

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FEB 16 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: IMPROVED NUCLEASE INHIBITOR COCKTAIL
 Appl. No.: 10/786,875
 Applicant: Latham *et al.*
 Filed: February 25, 2004
 Art Unit: 1634
 Examiner: Whisenant, Ethan C
 Docket No.: AMBI:089US

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. § 1.8	
<p>I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, Attn: Examiner Ethan C. Whisenant, GAU 1634, facsimile number (703) 273-8300 on the date below:</p> <p><i>OMWD</i></p>	
February 16, 2006	Mark Wilson
Date	

RESPONSE TO THE OFFICE ACTION MAILED NOVEMBER 16, 2006

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants submit this response to the Office Action mailed on November 16, 2005, in the above case.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks/Arguments begin on page 18.

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alternative format. Additionally, newly added independent claims 109 and 110 incorporate the subject matter of claims 28, 29, and 34, respectively.

Because claims 13, 21, 23, 28-29, 34, and 45 are not rejected by the above cited references, the present anticipation and obviousness rejections under 35 U.S.C. §§ 102(b) and 103(a) are rendered moot. Therefore, Applicants request that these rejections be withdrawn.

Applicants note that the amendments to the claims should not be construed as an acquiescence to the rejections. Applicants reserve the right to file a continuing application directed to additional subject matter in the future.

D. The Double Patenting Rejections Are Overcome

There are four separate obviousness-type double patenting rejections. Applicants are filing the appropriate terminal disclaimers along with the present response. In view of this, the obviousness-type double patenting rejections are overcome and should be withdrawn.

E. Conclusion

Applicant believes that this document is a complete response to the Office Action mailed November 16, 2005. The present claims are in a condition for allowance and such favorable action is requested.

The Commissioner is hereby authorized to deduct any fees required by 37 C.F.R. §§ 1.116 to 1.21 as a result of the filing of this paper, including the terminal disclaimer fees required by 37 C.F.R. § 1.20(d), from Fulbright & Jaworski Deposit Account No. 50-1212/AMBI:089US.

The Examiner is requested to contact Applicant's representative at (512) 536-3035 with any questions or comments concerning this application.

Respectfully submitted,



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Attorney for Applicant

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Date: February 16, 2006

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20